**Presidential Reconstruction**

In the spring of 1865, the Civil War came to an end, leaving over 620,000 dead and a devastating path of destruction throughout the south. The North now faced the task of reconstructing the ravaged and indignant Confederate states. There were many important questions that needed to be answered as the nation faced the challenges of peace:

√ Who would direct the process of Reconstruction? The South itself, Congress, or the President?

√ Should the Confederate leaders be tried for treason?

√ How would the south, both physically and economically devastated, be rebuilt? And at whose expense?

√ How would the south be readmitted and reintegrated into the Union?

√ What should be done with over four million freed slaves? Were they to be given land, social equality, education, and voting rights?

On April 11, 1865, two days after Confederate General Robert E. Lee’s surrender, President Abraham Lincoln delivered his last public address, during which he described a generous Reconstruction policy and urged compassion and open-mindedness throughout the process. He pronounced that the Confederate states had never left the Union, which was in direct opposition to the views of Radical Republican Congressmen who felt the Confederate states had seceded from the Union and should be treated like “conquered provinces.”

On April 14, Lincoln held a Cabinet meeting to discuss post-war rebuilding in detail. President Lincoln wanted to get southern state governments in operation before Congress met in December in order to avoid the persecution of the vindictive Radical Republicans. That same night, while Lincoln was watching a play at Ford’s Theatre, a fanatical Southern actor, John Wilkes Booth, crept up behind Lincoln and shot him in the head. Lincoln died the following day, leaving the South with little hope for a non-vindictive Reconstruction.

The absence of any provisions in the Constitution that could be applied to Reconstruction led to a disagreement over who held the authority to direct Reconstruction and how it would take place. Lincoln felt the president had authority based on the constitutional obligation of the federal government to guarantee each state a republican government.

Even before the war had ended, Lincoln issued the Proclamation of Amnesty and Reconstruction in 1863, his compassionate policy for dealing with the South. The Proclamation stated that all Southerners could be pardoned and reinstated as U.S. citizens if they took an oath of allegiance to the Constitution and the Union and pledged to abide by emancipation. High Confederate officials, Army and Navy officers, and U.S. judges and congressmen who left their posts to aid the southern rebellion were excluded from this pardon. Lincoln’s Proclamation was called the “10 percent plan”: Once 10 percent of the voting population in any state had taken the oath, a state government could be put in place and the state could be reintegrated into the Union.

Two congressional factions formed over the subject of Reconstruction. A majority group of moderate Republicans in Congress supported Lincoln’s position that the Confederate states should be reintegrated as quickly as possible. A minority group of Radical Republicans--led by Thaddeus Stevens in the House and Ben Wade and Charles Sumner in the Senate--sharply rejected Lincoln’s plan, claiming it would result in restoration of the southern aristocracy and re-enslavement of blacks. They wanted to effect sweeping changes in the south and grant the freed slaves full citizenship before the states were restored. The influential group of Radicals also felt that Congress, not the president, should direct Reconstruction.

In July 1864, the Radical Republicans passed the Wade-Davis Bill in response to Lincoln’s 10 percent plan. This bill required that more than 50 percent of white males take an “ironclad” oath of allegiance before the state could call a constitutional convention. The bill also required that the state constitutional conventions abolish slavery. Confederate officials or anyone who had “voluntarily borne arms against the United States” were banned from serving at the conventions. Lincoln pocket-vetoed, or refused to sign, the proposal, keeping the Wade-Davis bill from becoming law. This is where the issue of Reconstruction stood on the night of Lincoln’s assassination, when Andrew Johnson became president.

In the 1864 election, Lincoln chose Andrew Johnson as his vice presidential running mate as a gesture of unity. Johnson was a War Democrat from Tennessee, a state on the border of the north-south division in the United States. Johnson was a good political choice as a running mate because he helped garner votes from the War Democrats and other pro-Southern groups.

Johnson was born to impoverished parents in North Carolina, orphaned at an early age, and moved to Tennessee. Self-educated, he rose through the political ranks to be a congressman, a governor of Tennessee, and a United States senator. At the outbreak of the Civil War, Johnson was the only senator from a seceding state who remained loyal to the Union. Johnson's political career was built on his defense of small farmers and poor white southerners against the aristocratic classes. He was heard saying during the war, “Damn the Negroes, I am fighting those traitorous aristocrats, their masters.”

Unfortunately, Johnson was unprepared for the presidency thrust upon him with Lincoln’s assassination. The Radical Republicans believed at first that Johnson, unlike Lincoln, wanted to punish the South for seceding. However, on May 29, 1865, Johnson issued his own reconstruction proclamation that was largely in agreement with Lincoln’s plan. Johnson, like Lincoln, held that the southern states had never legally left the Union, and he retained most of Lincoln’s 10 percent plan.

Johnson’s plan went further than Lincoln’s and excluded those Confederates who owned taxable property in excess of $20,000 from the pardon. These wealthy Southerners were the ones Johnson believed led the South into secession. However, these Confederates were allowed to petition him for personal pardons. Before the year was over, Johnson, who seemed to savor power over the aristocrats who begged for his favor, had issued some 13,000 such pardons. These pardons allowed many of the planter aristocrats the power to exercise control over Reconstruction of their states. The Radical Republicans were outraged that the planter elite once again controlled many areas of the south.

Johnson also called for special state conventions to repeal the ordinances of secession, abolish slavery, repudiate all debts incurred to aid the Confederacy, and ratify the Thirteenth Amendment. Suggestions of black suffrage were scarcely raised at these state conventions and promptly quashed when they were. By the time Congress convened in December 1865, the southern state conventions for the most part had met Johnson’s requirements.

On December 6, 1865, Johnson announced that the southern states had met his conditions for Reconstruction and that in his opinion the Union was now restored. As it became clear that the design of the new southern state governments was remarkably like the old governments, both moderate Republicans and the Radical Republicans grew increasingly angry.

**Congressional Reconstruction**

Reconstruction Questions:

√ Who would direct the process of Reconstruction? The South itself, Congress, or the President?

√ Should the Confederate leaders be tried for treason?

√ How would the south, both physically and economically devastated, be rebuilt? And at whose expense?

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A clash between President Johnson and Congress over Reconstruction was now inevitable. By the end of 1865, Radical Republican views had gained a majority in Congress, and the decisive year of 1866 saw a gradual diminishing of President Johnson’s power.

In June of 1866, the Joint Committee on Reconstruction determined that, by seceding, the southern states had forfeited “all civil and political rights under the Constitution.” The Committee rejected President Johnson’s Reconstruction plan, denied seating of southern legislators, and maintained that only Congress could determine if, when, and how Reconstruction would take place. Part of the Reconstruction plan devised by the Joint Committee to replace Johnson’s Reconstruction proclamation is demonstrated in the Fourteenth Amendment.

Northern Republicans did not want to give up the political advantage they held, especially by allowing former Confederate leaders to reclaim their seats in Congress. Since the South did not participate in Congress from 1861 to 1865, Republicans were able to pass legislation that favored the North, such as the Morrill Tariff, the Pacific Railroad Act, and the Homestead Act. Republicans were also concerned that the South’s congressional representation would increase since slaves were no longer considered only three-fifths of a person. This population increase would tip the congressional leadership to the South, enabling them to perpetuate the Black Codes and virtually re-enslave blacks.

The strained relations between Congress and the president became increasingly apparent in February 1866 when President Johnson vetoed a bill to extend the life of the Freedmen’s Bureau. The Freedmen’s Bureau had been established in 1865 to care for refugees, and now Congress wanted to amend it to include protection for the black population. Although the bill had broad support, President Johnson claimed that it was an unconstitutional extension of military authority since wartime conditions no longer existed. Congress did override Johnson’s veto of the Freedmen’s Bureau, helping it last until the early 1870s.

Striking back, Congress passed the Civil Rights Bill in March 1866. This Bill granted American citizenship to blacks and denied the states the power to restrict their rights to hold property, testify in court, and make contracts for their labor. Congress aimed to destroy the Black Codes and justified the legislation as implementing freedom under the Thirteenth Amendment. Johnson vetoed the Civil Rights Bill, which prompted most Republicans to believe there was no chance of future cooperation with him. On April 9, 1866, Congress overrode the presidential veto, and from that point forward, Congress frequently overturned Johnson’s vetoes.

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All Republicans agreed that no state would be welcomed back to the Union without ratifying the Fourteenth Amendment. In contrast, President Johnson recommended that the states reject it. Johnson’s home state of Tennessee was the first to ratify the Fourteenth Amendment, while the other 10 seceded states rejected it. During this same time, bloody race riots erupted in several southern cities, adding fuel to the Reconstruction battle. Radical Republicans blamed the indiscriminate massacre of blacks on Johnson’s policies.

The congressional election of 1866 widened the divide between President Johnson and Congress. President Johnson embarked on a “swing around the circle” tour where he gave speeches at various Midwestern cities to rally the public around his policy of lenient Union recognition for the southern states. His tour was a complete failure as he exchanged hot-tempered insults with the critics in the crowd. To counter Johnson’s rhetoric, Congressional Republicans took to “waving the bloody shirt”--appealing to voters by reminding them of the sacrifices the Union made during the Civil War. When the congressional election was complete, the Republicans won more than the two-thirds majority in the House and the Senate that they needed to override any presidential vetoes.

If the southern states had been willing to adopt the Fourteenth Amendment, coercive measures might have been avoided. On March 2, 1867, Congress passed the Military Reconstruction Act, which became the final plan for Reconstruction and identified the new conditions under which the southern governments would be formed. Tennessee was exempt from the Act because it had ratified the Fourteenth Amendment.

This legislation divided the former Confederacy into five military districts, each occupied by a Union general and his troops, whom Southerners contemptuously called “bluebellies.” The officers had the power to maintain order and protect the civil rights of all persons. The southern states were required to ratify the Fourteenth Amendment and adopt new state constitutions guaranteeing blacks the right to vote in order for their representatives to be admitted to Congress and military rule to end (which paved the way for easy ratification of the Fifteenth Amendment later). However, the Act did not go as far as giving freedmen land or education at federal expense.

Although peacetime military rule seemed contrary to the spirit of the Constitution, the Supreme Court allowed it. The hated “bluebellies” remained until the new Republican regimes were firmly established in each state. It was not until 1877 that the last federal troops left the south.

Radical Republicans were still concerned that once the states were re-admitted to the Union, they would amend their constitutions and withdraw black suffrage. They moved to safeguard their legislation by adding it to the federal Constitution with the Fifteenth Amendment. The amendment prohibited the states from denying anyone the right to vote “on account of race, color, or previous condition of servitude.” In 1870, the required number of states had ratified the amendment, and it became part of the Constitution.

The Fifteenth Amendment did not guarantee the right to vote regardless of sex, which outraged feminists like Elizabeth Cady Stanton and Susan B. Anthony. Equally disappointing to feminists was the fact that the Fourteenth Amendment marked the first appearance of the word “male” in the Constitution. Efforts to include female suffrage in the Fifteenth Amendment were defeated, and 50 years passed before an amendment to the Constitution granted women the right to vote.

While most of the southern states had quickly ratified the Fifteenth Amendment under pressure from the federal government, Democratic Party dominance in those states assured the Fourteenth and Fifteenth Amendments were largely ignored. Literacy tests and poll taxes were often used to keep blacks from voting. Intimidation and lynching were also common means to keep blacks from the polls. Full suffrage for blacks was not realized until 1965.

The Civil Rights Act of 1875 was the last congressional Reconstruction measure. It prohibited racial discrimination in jury selection, transportation, restaurants, and "inns, public conveyances on land or water, theaters, and other places of public amusement." It did not guarantee equality in schools, churches, and cemeteries. Unfortunately, the Act lacked a strong enforcement mechanism, and dismayed Northerners did not attempt another civil rights act for 90 years.